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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	10/623,180	07/21/2003	Antonius Johannes Van Der Net	081468-0305146	4722	
909 7590 03/20/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500				EXAMINER		
				FULLER, RODNEY EVAN		
	MCLEAN, VA	. 22102	ART UNIT	PAPER NUMBER		
				2851		
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	SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE	
	3 MO	NTHS	03/20/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary Examiner		Application No.	Applicant(s)				
Examiner Rodney E. Fullier - The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extended of time may be available under the provisions of 37 CFR 1:35(a). In no event, however, may a reply be timely filled after \$1.6 (b) MONTHS from the mailing date of the communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire \$1.6 (b) MONTHS from the mailing date of the communication. Teallets to require with the set of cause the application to become ABANDED (38 U.S.C. § 135) earned patent term adjustment. See 37 CFR 1:704(a). Status 1) □ Responsive to communication(s) filled on 26 February 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.4-10.13 and 16-26 is/are pending in the application. 4a) Of the above claim(s) □ is/are withdrawn from consideration. 5) □ Claim(s) 1.4-10.13 and 16-26 is/are rejected. 7) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to by the Examiner. 10 □ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTC-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified		Application No.	Applicant(s)				
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of them may be available under the provisions of 37 CFR 1 139(s). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is 10 chief above, the maximum statutory bend will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is 10 chief above, the maximum statutory bend will expire SIX (6) MONTHS from the mailing date of this communication. Any reply acceived by this Chief allowed period for reply with by stability, cause the application to become ABANDONED (SS U.S. 5, 133). Any reply acceived by this Chief allowed period for reply with by stability, cause the application to the communication, even if armsy fried, may reduce any expire any reply acceived by this Chief and the state of the communication, even if armsy fried, may reduce any expire any reply acceived by this Chief and the state of the state of the communication. 1) Second replication is FINAL. 2 by This action is not not continued to the mailing date of this communication. 2 closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1,4-10,13 and 16-26 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 1,4-10,13 and 16-26 is/are rejected. 7) Claim(s) 1,4-10,13 and 16-26 is/are rejected. 8) Claim(s) 1,4-10,13 and 16-26 is/are rejected. 10 Claim(s) 1,4-10,13 and 16-26 is/are rejected. 11 Claim(s) 1,4-10,13 and 16-26 is/are rejected. 12 Claim(s) 1,4-10,13 and 16-	Office Action Summary	Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waitable under the provisions of 3 OF RF 1.33(b). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication. Filer SIX (b) MONTHS from the mailing date of this communication. Filer by right with the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by reply which the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by reply which the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by reply which the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by reply with the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by reply with the set or extended period for reply with by statute, causes the application to become ARANDONEO (35 U.S.C. § 133). Filer by the set of this communication, even if timely flied, may reduce any earned patent term adjustment. See 37 CFR 1.74(b). Status 1) Responsive to communication (s) filed on 26 February 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (s) 1.4-10.13 and 16-26 is/are pending in the application requirement. 4) Claim (s) 1.4-10.13 and 16-26 is/are rejected. 7) Claim (s) 1.4-10.13 and 16-26 is/are rejected. 7) Claim (s) 1.4-10.13 and 16-26 is/are rejected. 8) Claim (s) 1.4-10.13 and 16-26 is/are rejected. 10) The specification is objected to by the Examiner. 11) The provide of the	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
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* See the attached detailed Office action for a list of the certified copies not received. Rodney Fuller	application from the International Bureau (PCT Rule 17.2(a)).						
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Primary Examiner							
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Attachment(s)	Attachment(s)		K //				
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
	 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 02/26/07. 	5) 🔲 Notice of Informal Pa					

Application/Control Number: 10/623,180

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on February 26, 2007 has been entered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 1, 4-10, 13 and 16-26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 7,113,254 (Van Der Net, et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other. Independent claim 1 is fully met by claims 1-3 of Van Der Net (US 7,113,254). Independent claim 13 is fully met by claims 11-13 of Van Der Net (US 7,113,254). Likewise, dependent claims 4-10, 16-20, 23 and 24 correspond to claims 4-7, 1, 8, 9, 14, 17, 16, 17, 18, 2 and 9 respectively of Van Der Net (US 7,113,254).

Regarding claims 22 and 25, the claims of Van Der Net (US 7,113,254) do not set forth the limitation "configured to purge gas mixture flow rate of at least 20 liters per minute." However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the claims of Van Der Net (US 7,113,254) to include the flow rate of 20 liters per minute, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney E Fuller Primary Examiner Art Unit 2851

March 14, 2007